6172304/2022/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Revenue Department —Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA — Initiation of disciplinary proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charge - Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt.No.584 **Dated.26.07.2022**

ORDER:

It is proposed to hold an enquiry against Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of imputations of misconduct/misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge proposed to be sustained are also enclosed (Annexures-III & IV).

3. Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA is directed to submit, within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

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G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA (through the Chief Commissioner of Land Administration, A.P., Mangalagiri.)
The Chief Commissioner of Land Administration, A.P., Mangalagiri. (with a request to serve the order on the individual and furnish served copy of this G.O. within a week).

Copy to:
The District Collector, Krishna District.
S.F./S.C.

// FORWARDED BY ORDER //

L. S. Naidu
SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI P.SAI BABU, FORMER REVENUE DIVISIONAL OFFICER, BANDAR PRESENTLY SPECIAL DEPUTY COLLECTOR, AP CRDA

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ARTICLE OF CHARGE :

That the said Sri P.Sai Babu, while working as Revenue Divisional Officer, Bandar being a responsible Government Servant has committed certain irregularities that, initially the Officer has passed Award No. No.9/2012, dt.14.06.2013 for acquisition of land in Nidumolu village of Mowa Mandal for the purpose of widening Nation Highway No.9 in which he has ordered to deposit the compensation amount of Rs.15,18,326/- for acquisition of the land to an extent of 202 sq.mts in R.S.No.668/9A2 of Nidumolu (V) in the Court of the Principal Senior Civil Judge, Machilipatnam under Section 3H(4) of the Act, as there is dispute between Sri Machiraju Madhusudnanarao and his sons. Even when Sri Machiraju Madhu Kiran, grandson of Sri Machiraju Madhusudan Rao claimed for payment of above compensation on the strength of the Will executed by Sri Machiraju Madhusudanarao in his favour, the Officer has rejected the claim, since there is dispute between Sri Machiraju Madhu Kiran and Sri Machiraju Radha Krishna and others. But on 18.10.2017, the above Officer made payment of the compensation for acquisition of the above land to Sri Machiraju Madhu Kiran without proper justification.

Thus Sri P.Sai Babu, former Revenue Divisional Officer, Bandar, presently Special Deputy Collector, AP CRDA with his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3 (1) of APCS (Conduct) Rules, 1964.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI P.SAI BABU, FORMER REVENUE DIVISIONAL OFFICER, BANDAR PRESENTLY SPECIAL DEPUTY COLLECTOR, AP CRDA

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As reported by the Revenue Divisional Officer, Bandar, the land measuring 202 Sq,Mts in R.S.No.668/9A2 was acquired by the National Highway Authority of India for the purpose of widening National Highway No.9 from K.M. 0/0 to K.M. 64/5 Vijayawada-Machilipatnam section in Nidumolu village of Mowa Mandal under a notification issued under Section 3A(1) of the National Highways Act, 1956 and the Charged Officer who worked as Revenue Divisional Officer, Bandar at that time has passed award ordering to deposit the compensation amount of Rs.15,18,326/- in the Court of the Principal Senior Civil Judge, Machilipatnam under Section 3H(4) of the Act as there is dispute between Sri Machiraju Madhusundhan Rao, in whose name the land was notified and his sons Sri Machiraju Radha Krishna and others.

While so, one Sri Machiraju Madhu Kiran, S/o.Late Padmanabha Rao filed representation before the Revenue Divisional officer Bandar, on 24.02.2014 stating that the present land owner Sri Machiraju Madhusudhan Rao is his paternal grandfather who is having four sons viz 1.Machiraju Padmnabha Rao, 2.Machiraju Radha Krrishna, 3 Machiraju Rambabu and 4.Machiraju Ravi Sankar and also got one daughter by name Chatraji Girija. He further stated that his father in the first son of Machiraju Madhusudhan Rao and his father died in the year 1990 and during his life time itself, his father and his father's brothers were given their shares of lands as per partition affected on 13.08.1982. He further contended that after partition of the properties to all his four sons, his paternal grandfather, Sri Machiraju Madhusudhan Rao purchased an extent of Ac.0.99cts in R.S.No.66817 of Nidumolu Village and therefore it is his self acquired property and it is in his possession and enjoyment till his demise. He further stated that due to extension of four lane road from Machilipatnam to Vijayawada, the Government acquired 362 Sq.Mts in R.S.No.668/9A2 of Nidumolu Village and his grandfather Sri Machiraju Madhusudhan Rao is entitled to receive compensation and while so his 2nd son Machiraju Radha Krishna filed a suit in O.S.No.9/2012 on the file of Junior Civil Judge, Avanigadda for partition of Ac.0.84cts out of Ac.0.90cts in R.S.No.66817. He further stated that on 19.11.2013 his paternal grandfather executed registered will vide document No.496K 111/2013 and subsequently died on 17.01.2014 and therefore with his demise the will came into force and the extent of 364 sq.mts covered by the above will is bequeathed by him by virtue of the above registered will and no other is competent to receive the compensation.

The above individual has also filed Writ Petition No.13879/2014 on the file Hon'ble High Court, AP, Hyderabad and the Hon'ble High Court passed orders that the amount of compensation Rs.15,18,326/- if it is not deposited in the Civil Court so far the said amount shall not be deposited till the representation of the petitioner dt.24.02.2014 is disposed of within three weeks from the date of receipt of a copy of the order.

Accordingly the Charged Officer has conducted enquiry with the above petitioner and sons of Sri Machiraju Madhusudanarao and issued orders on 04.07.2014, to deposit the compensation amount in the Civil Court, since the dispute is not amicably settled among the above individuals.

Later, the Charged Officer has affected payment of above compensation amount in favour of Sri Machiraju Madhu Kiran vide orders dt.11.10.2017.

Aggrieved with the above, Sri Machiraju Radha Krishna has filed W.P.No.2394/2018, before the Hon'ble High Court of Andhra Pradesh against (1) Secretary, Ministry of Shipping and Road Transport and Highways, New Delhi, (2) Revenue Divisional Officer, Machilipatnam and (3) Machiraju Madhu Kiran, Sfo.Anantha Padmanabha Rao.

The Hon'ble High Court has observed in the WP that the 3rd respondent successfully managed the 2nd Respondent and got the payment made to himself and issued orders as follows:

"Accordingly, the Writ Petition is allowed. The 2nd Respondent and the District Collector, Krishna are directed to recover the said amount of Rs.15,18,326/- paid by 2nd Respondent to 3rd Respondent within four (04) weeks from the date of receipt of copy of this order, if necessary, by initiating proceedings under the Andhra Pradesh Revenue Recovery Act, 1864 against the 3rd Respondent. Necessary disciplinary action shall also be initiated by the District Collector, Krishna against the Officer who worked as Revenue Divisional Officer as on 18.10.2017 who affected payment of the above sum to 3rd Respondent".

(Contd.,2)

The present Revenue Divisional Officer, Bandar has reported that, Sri P.Saibabu worked as Revenue Divisional Officer as on 18.10.2017 and affected payment in favour of Sri Machiraju Madhu Kiran.

Hence, the charge.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI P.SAI BABU, FORMER REVENUE DIVISIONAL OFFICER, BANDAR PRESENTLY SPECIAL DEPUTY COLLECTOR, AP CRDA ARE PROPOSED TO BE SUSTAINED

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1. Award no.9/2012 dt.14.06.2013 passed by the Revenue Divisional Officer, Bandar.
2. Proceedings of the Revenue Divisional Officer, Bandar vide Rc.A/1300/2007 dt.04.07.2014.
3. Proceedings of the Revenue Divisional Officer Bandar vide dt.11.10.2017.
4. Orders of the Hon'ble High Court in WP No.2394/2018 dt.13.08.2018.
5. Lr.Rc,A,1300/2007 dt.24.04.2021 of the Revenue Divisional Officer, Bandar.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE —IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI P.SAI BABU, FORMER REVENUE DIVISIONAL OFFICER, BANDAR PRESENTLY SPECIAL DEPUTY COLLECTOR, AP CRDA ARE PROPOSED TO BE SUSTAINED.

-Nil-

//FORWARDED::BY ORDER//

SECTION OFFICER